

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 21, 2001

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices
Judith Haller and James McIntyre
Deputy Clerk: D. E. Moore

D037269 Bowyer v. Sentinel Systems, Inc., et al.

Cause called on merits. Jeffrey Richard, Esq. argued for respondent. Bret Carter, Esq. argued for appellant. Cause submitted.

D035564 Harris v. Beresh

Cause called on merits. Thomas John Tighe, Esq. argued for appellant. Judith E. Klein, Esq. argued for respondent. Cause submitted.

D037175 In re Zedekiyah I., a Juvenile

Cause called on merits. Donna Kaiser, Esq. argued for appellant. Linda Fabian, Esq. argued for the minor. Dee Dykeman, Deputy County Counsel argued for respondent. Ms. Kaiser replied for appellant. Cause submitted.

Court adjourned at 10 a.m.

**D037821 Elva H. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency.**

The attorney for petitioner Elva H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D037003 Black v. Williams

The judgment is affirmed. Williams to recover costs on appeal. McIntyre, J.; We Concur: Kremer, P.J., Huffman, J.

D036805 Jackson v. BKM Total Office of California, L.P.

The judgment is reversed insofar as it pertains to Jackson's recovery of \$8,000 in consulting fees. It is affirmed in all other respects. The parties are to bear their own costs. McIntyre, J.;
We Concur: Benke, Acting P.J., O'Rourke, J.

D034940 People v. Serrano

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D035622 In re Manuel C., a Juvenile

The order requiring payment of \$1,013 in restitution, to include victims Casas and Malone, is modified to reflect payment to victim Taylor only, in the amount of \$220. In all other respects, the judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 21, 2001 (Continued)

D036111 People v. Williams

Judgment affirmed. Nares, J.; We Concur: Haller, J., McIntyre, J.

D035232 People v. Cardenas

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D035482 People v. Jonson

D036145 In re Johnson on Habeas Corpus

(consolidated) The order extending Johnson's commitment to a mental hospital is affirmed. The habeas corpus petition is denied. Kremer, P.J.; We Concur: Benke, J., O'Rourke, J.

D036576 In re Cory H., a Juvenile

The judgment is affirmed. Huffman, P.J.; We Concur: Kremer, P.J., O'Rourke, J.

D037261 The Aspire-Encore at Rancho Del Rey Homeowners Association et al. v. Fame

The appeal is dismissed pursuant to rule 17(a).

D037028 In re Scott I., et al, Juveniles

The orders are affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 22, 2001

D037963 Shannon H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

The Notice of Intent to file writ petition and request for record, rule 39.1B is dismissed as untimely.

D037964 Redondo v. Superior Court of San Diego County/People

The petition is denied.

D034294 People v. Ocampo

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D037324 Valadez v. Bilbrey

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal. Haller, Acting P.J.

D037277 In re Marriage of Kelly

The judgment is reversed as to the award of Epstein credits to James and this matter is remanded to the trial court for modification of the judgment not inconsistent with this opinion. In all other respects, the judgment is affirmed. The parties' respective requests for sanctions are denied. The parties are to bear their own costs on appeal. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D036869 Alford et al. v. Superior Court of San Diego County/People

Let a writ of mandate issue directing the superior court to vacate its order of November 15, 2000, and to reenter its November 6, 2000 order, and to fashion a protective order consistent with the views expressed in this opinion. This decision will become final as to this court 10 days after it is filed. (Cal. Rules of Court, rule 24(d).) At that time, the stay issued by this court on December 12, 2000, will be vacated. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Haller, J., McIntyre, J.

D037892 People v. Morgan

Appellant's motion to file a late notice of appeal is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 23, 2001

D035842 Furgatch v. San Diego Unified Port District et al.

The judgment is reversed. Furgatch is to recover his costs on appeal. O'Rourke, J.;
We Concur: Nares, Acting P.J., McDonald, J.

D036836 O'Brien v. Pacific Bell, Inc.

The judgment is affirmed. Respondent to recover its costs on appeal. Nares, J.;
We Concur: Huffman, Acting P.J., McDonald, J.

D036812 Pauley v. CPT Group, Inc.

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Huffman, J.

D034792 People v. Lopez

The request for publication of the opinion is denied.

D035890 People v. Walker

The sentence is vacated as is the trial court's finding the federal bank robbery conviction is "not true."
The case is remanded to the trial court with directions to conduct a new trial on the truth of the prior
conviction in accordance with section 1025 and the views expressed in this opinion and to take such
further action as may be appropriate. In all other respects the judgment is affirmed. CERTIFIED FOR
PUBLICATION. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

**D037393 Michael R. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. Kremer, P.J.; We Concur: Nares, J., McDonald, J.

D035696 Warren, etc., et al. v. Sharabi/Prudential California Realty

Upon written stipulation filed by the parties to the appeal, M. Nazmi Sharabi's appeal as to Prudential
California Realty is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule
19(b)). Each party to bear own costs on appeal.

D037159 In re Hamilton on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 24, 2001

D037973 Raul G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

The Notice of Intent to file writ petition and request for record, rule 39.1B, filed May 16, 2001, is dismissed as untimely.

D037224 In re Chanda T., a Juvenile

The judgment is affirmed. Kremer, P.J.: We Concur: Huffman, J., Nares, J.

D036002 Marriage of Carzola

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., McDonald, J.

D037005 American Realty & Financial Services Company of California, Inc. v. Arciero & Sons, Inc., et al.

The judgment is reversed. American Realty is awarded its costs on appeal. Nares, J.; We Concur: Kremer, P.J., Huffman, J.

D037786 Rose R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

The attorney for petitioner Rose R. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D030488 People v. Islas

We remand and direct the court to modify the sentence for court 5; to modify the abstract of judgment accordingly; and to send the corrected abstract to the Department of Corrections. As modified, the judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Huffman, J.

D036657 In re Joshua R., a Juvenile

D036847 In re Joshua R., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D036997 Shores v. State Farm Fire and Casualty et al.

Judgment affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D037610 In re Allen on Habeas Corpus

The petition is denied.

D037965 San Diego Commercial Real Estate Services, Inc. v. Superior Court of San Diego County/The Price R.E.I.T., Inc., et al.

The petition is denied. Petitioner has an adequate remedy by way of appeal.

D037972 Hooper v. The Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 24, 2001 (Continued)

D037616 In re Mitchell on Habeas Corpus

The petition is denied.

D037611 Baumer v. The Superior Court of San Diego County/Robinson et al.

The petition is denied.

D037613 In re Pomilia on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 25, 2001

D034660 People v. Cornejo

The petition for rehearing is denied.

D036810 Tierrasanta, Inc. v. City of Huntington Beach et al.

The judgment is reversed and the matter is remanded to the superior court with directions to vacate the order sustaining City's demurrer without leave to amend. The court is to enter a new order, consistent with the views expressed in this opinion, sustaining the demurrer with leave to amend as to Tierrasanta's causes of action for declaratory relief and inverse condemnation. As to the mandate and injunctive relief causes of action, the superior court is directed to sustain the demurrer without leave to amend. Each party is to bear its own costs on appeal. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

D035884 People v. Turner

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D034398 Hicks et al. v. E.T. Legg & Associates et al.

The judgment is affirmed. Legg and Executive are awarded costs on appeal. CERTIFIED FOR PUBLICATION Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D036998 Hajali v. Nguyen et al.

The judgment is affirmed. The parties are to each bear their own costs. Nares, J.; We Concur: Kremer, P.J., McDonald, J.

D037270 People v. Alvarez

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D037458 Julian Country Estates LLC. v. The Superior Court of San Diego County/Tellam

The petition is denied.

D037528 In re Jennings on Habeas Corpus

The petition is denied.

D037993 Jaymes G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied for failure to provide an adequate record including, but not limited to, failure to provide supporting documents under California Rules of Court, rule (c)(4).